

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

UNITED STATES OF AMERICA,

Plaintiff,

v.

DEONDRE BOYER,

Defendant.

Criminal Action No. 05-98-GMS

MOTION TO ADMIT VIDEOTAPE RECORDING

NOW COMES the United States of America, by and through Colm F. Connolly, United States Attorney for the District of Delaware, and Douglas E. McCann, Assistant United States Attorney for the District of Delaware, and moves to admit a videotape recording. In support thereof, the government avers as follows:

1. The defendant has been charged with possession of a firearm by a person prohibited, a violation of Title 18, United States Code, Sections 922(g) and 924(a)(2).
2. At trial, the government intends to play the October 27, 2005 videotaped statement of the defendant.
3. The videotape has been made available to the defense.
4. The government submits that both the original and copies of the videotape are of more than sufficient audio and video quality to be received into evidence at trial. The government is presently preparing a transcript of the videotape and will provide that transcript to the defendant for review. The government will designate on the transcript which portions of the videotape it intends to offer into evidence in its case-in-chief. The government respectfully

requests that the defendant be required to state any specific objections to the tape and/or transcripts in writing, if the defendant requests a hearing.

5. The recordings were made by law enforcement officers under the supervision of the New Castle County Police, using devices capable of recording the conversations.

6. The law enforcement officer operating the equipment had prior experience with the device, and/or was otherwise competent to operate the device that was utilized in this case.

7. The recording is authentic and correct.

8. No substantive changes, additions, or deletions have been made to the recording since it was created.

9. The original recording has been preserved by the New Castle County Police Department since its creation. The videotape has been maintained in a proper chain of custody record.

10. The conversation on the videotape was made consensually and in good faith, without any kind of improper inducement.

11. The Declaration of Special Agent Jason Kusheba, attached hereto, states that the foregoing is true and correct to the best of his information and belief.

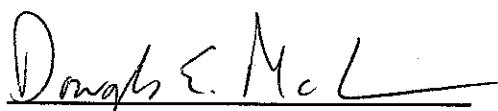
WHEREFORE, for the reasons set forth above, the government respectfully moves the admission of the videotape recording identified herein. The government will provide transcripts

to the defense, and will request at a later date that those transcripts be allowed at trial as an aid to the jury. A proposed order is attached.

Respectfully submitted,

COLM F. CONNOLLY
United States Attorney

BY:

A handwritten signature in dark ink, appearing to read "Douglas E. McCann", written over a horizontal line.

Douglas E. McCann
Assistant United States Attorney

Dated: December 28, 2005